

## Notice of Oral *Ex Parte* Presentation

June 4, 2004

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: In the Matter of Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2590 MHz Bands, WT Docket No. 03-66 RM-10586;

Part 1 of the Commission's Rules – Further Competitive Bidding Procedures, WT Docket No. 03-67;

Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and the Instructional Television Fixed Service Amendment of Parts 21 and 74 to Engage in Fixed Two-Way Transmissions, MM Docket No. 97-217;

Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico, WT Docket No. 02-68 RM-9718

Dear Ms. Dortch:

On Thursday, June 3, 2004, Sean Maloney, Executive Vice President, and Peter Pitsch, Communications Policy Director, of Intel met to discuss issues raised in the above referenced proceedings in separate four separate meetings with Commissioner Kevin Martin and his legal assistant, Sam Feder; with Jonathan Cody, legal advisor to Chairman Michael Powell and Chris Lynch, Eric Gunning, and Bethany Smoler, interns Chairman Michael Powell's office; with Commissioner Jonathan Adelstein and his legal advisors Barry Ohlson, Joanna Mikes Shelton and Anne Perkins; and with Jordan Goldstein, senior legal assistant to Commissioner Michael Copps. Mssrs. Maloney and Pitsch discussed the potential benefit of wireless broadband at 2.5 to 2.7 GHz, Intel's support for the industry coalition's proposed reforms to the current band plan and Intel's support for setting a deadline for completion of the transition.

They also discussed Intel's belief that ITFS licensing should be permitted to sell out to commercial interests. This approach appropriately balances ITFS and educational interests with the consumer and larger public interest benefits to be gained from dramatically improving the use of this valuable spectrum.

- The plan preserves a substantial mid band for 1-way video that ITFS licensees can use for educational purposes, if they so choose.
- ITFS licensees need not sell, but some want the option of selling because there are other efficient means to meet their educational needs (*e.g.*, the Internet).

- The ITFS spectrum is already used for commercial uses but under lease. (The FCC allows ITFS licensees to sublease 95% of their capacity.)
- The new uses could be of tremendous value to consumers. For example, broadband wireless could provide the best means of providing high-speed Internet in rural areas and additional facilities-based competition everywhere.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to the above referenced people. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/ Peter K. Pitsch

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Peter K. Pitsch  
Intel Corporation  
Director, Communications Policy

cc:

Commissioner Kevin Martin  
Sam Feder  
Jonathan Cody  
Chris Lynch  
Eric Gunning  
Bethany Smoler  
Commissioner Jonathan Adelstein  
Barry Ohlson  
Joanna Mikes Shelton  
Anne Perkins  
Jordan Goldstein